

## SENATE BILL No. 223

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-44-3-9.

**Synopsis:** Trafficking cell phones with inmates. Makes trafficking with an inmate (which is, without enhancement, a Class A misdemeanor) a Class C felony if the item trafficked is a cellular telephone.

**Effective:** July 1, 2009.

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**Arnold, Young R Michael**

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January 7, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## SENATE BILL No. 223

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 35-44-3-9 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) As used in this  
3 section, "juvenile facility" means the following:

4 (1) A secure facility (as defined in IC 31-9-2-114) in which a  
5 child is detained under IC 31 or used for a child awaiting  
6 adjudication or adjudicated under IC 31 as a child in need of  
7 services or a delinquent child.

8 (2) A shelter care facility (as defined in IC 31-9-2-117) in which  
9 a child is detained under IC 31 or used for a child awaiting  
10 adjudication or adjudicated under IC 31 as a child in need of  
11 services or a delinquent child.

12 (b) Except as provided in subsection (d), a person who, without the  
13 prior authorization of the person in charge of a penal facility or juvenile  
14 facility knowingly or intentionally:

15 (1) delivers, or carries into the penal facility or juvenile facility  
16 with intent to deliver, an article to an inmate or child of the  
17 facility;

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(2) carries, or receives with intent to carry out of the penal facility or juvenile facility, an article from an inmate or child of the facility; or

(3) delivers, or carries to a worksite with the intent to deliver, alcoholic beverages to an inmate or child of a jail work crew or community work crew;

commits trafficking with an inmate, a Class A misdemeanor.

(c) If the person who committed the offense under subsection (b) is an employee of:

(1) the department of correction; or

(2) a penal facility;

and the article is a cigarette or tobacco product (as defined in IC 6-7-2-5), the court shall impose a mandatory five thousand dollar (\$5,000) fine under IC 35-50-3-2, in addition to any term of imprisonment imposed under IC 35-50-3-2.

(d) The offense under subsection (b) is a Class C felony if the article is:

(1) a controlled substance; ~~or~~

(2) a deadly weapon; ~~or~~

**(3) a cellular telephone or other wireless or cellular communications device.**

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